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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,543	08/26/2003	Marsha Lederfeind	LEDER101	4469
26833	7590	07/28/2005	EXAMINER	
ROBERT S. SMITH 1131-0 TOLLAND TURNPIKE SUITE 306 MANCHESTER, CT 06040			DONNELLY, JEROME W	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,543	LEDERFEIND, MARSHA	
	Examiner	Art Unit	
	Jerome W. Donnelly	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

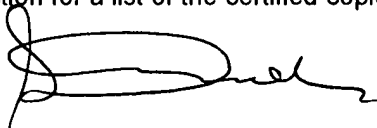
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**JEROME W. DONNELLY
PRIMARY EXAMINER**

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Meranto.

Meranto discloses a devices having pocket belt ends fastening means on first and second ends as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meranto.

Meranto discloses a device having a pocket. The pocket of Meranto however is not shown on the outside of the belt. The examiner however notes that to reposition the pocket of Meranto on the outside of his belt would have been an obvious alternate location so as to allow the user of the device quicker access to the pocket.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meranto in view of Quinones.

Meranto discloses the device of claims 15-20 substantially as claims absent a central coaxial bore within said plurality of weights.

Quinones discloses weights having bores as claimed. (see figs. 5A and B).

Given the above teaching the examiner notes that it would have been obvious to provide weight means for altering the weight resistance provided to the belt of Meranto having bores therethrough in view of the weights of Quinones.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meranto in view of Wilkinson.

The examiner notes that it would have been obvious to one of ordinary skill in the art to provide exercise means such as elements 20, 25, 26, 28 and 30 of Wilkinson on the device of Meranto as a means of enhancing the use of Meranto. The claim language of claim 13 and a claimed loop would thereby be met with the addition of an element such as element 20 of Wilkinson.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meranto in view of Wilkinson and Mason.

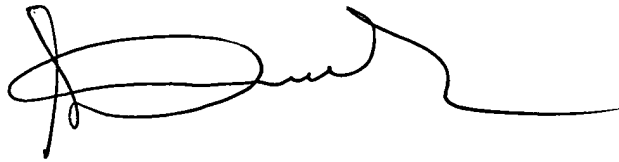
The examiner notes the Meranto in view of Wilkinson discloses the device of claim 14 substantially as claimed absent the teaching of a reflective strip. Gottschall teaches reflective surfaces (see abstract). Given the above teaching the examiner notes that it would have been obvious to one of ordinary skill in the art to provide a reflective strip of

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coating on the device of Meranto in view of Wilkinson for the purpose of making the user of the device more visible when wearing said device.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the overall device of Winston, Chang and Mason.

JEROME W. DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome W. Donnelly', with a long horizontal flourish extending to the right.